

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Gram Panchayat – Bandlaguda Gram Panchayat Rajendranagar Mandal of Ranga Reddy District – Sri Maddela Yadaiah Goud, Sarpanch (Removed) for miss-use of powers and misappropriation of Gram Panchayat Funds – Appeal petition filed by him before the Government – Dismissed – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O.Rt.No. 1571

Dated: 20-10-2008.

Read the following:-

- 1.From the District Collector (PW), Ranga Reddy District Procds. No.1052/2008- B1(Pts), dated 24.9.2008.
- 2.Sri Maddela Yadaiah Goud, Sarpanch (Removed), Bandlaguda Gram Panchayat, Rajendranagar Mandal, Ranga Reddy District Appeal petition dated 26.9.2008.
- 3.Govt.Telegram No.22537/Pts.II/A2/2008-1, dated 29.9.08.

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ORDER:

In the reference 1st read above, the District Collector (PW), Ranga Reddy District has issued orders for removal of Sri Maddela Yadaiah Goud, Sarpanch, Bandlaguda Gram Panchayat Rajendranagar Mandal of Ranga Reddy District from the post of Sarpanch for miss-use of powers and misappropriation of Gram Panchayat funds and also issued recovery orders for an amount of Rs.10,92,000/- under R.R. Act from the removed sarpanch.

2. Aggrieved by the above said orders, in the reference 2nd read above Sri Maddela Yadaiah Goud, Sarpanch(Removed), Bandlaguda Gram Panchayat, Rajendranagar Mandal of Ranga Reddy District has filed appeal petition before the Government and requested to stay the Proceedings orders passed by the District Collector (PW), Ranga Reddy District in the reference 1st read above.

3. In the reference 3rd read above, Government have issued Telegram to the District Collector (PW), Ranga Reddy District that the case is posted for hearing on 1.10.2008 and to inform the same to all the concerned to attend the hearing with latest material.

4. The case was heard on 1.10.2008. The petitioner along with his advocate appeared.

5. The Petitioner's Advocate while reiterating the contentions of the Revision Petition has contended that the Petitioner has never misappropriated or misused the Gram Panchayat funds, that after obtaining the resolution of Gram Panchayat and after following the due procedure he has spent the Gram Panchayat funds for installation of high mass lights for proper illumination of the streets of the village. He has further contended that the Petitioner as elected Sarpanch of the Gram Panchayat has carried out his duties and responsibilities cast on him under the relevant provisions of APPR Act, 1994. He has also contended that the Petitioner has accorded construction permissions in the already approved layouts in terms of orders issued by Government from time to time and as per the powers vested with the Petitioner under the statute. The Petitioner's Advocate has also drawn the attention to certain provisions contained in the Act on grant of Building Constructions by the Gram Panchayats. He has further contended that the petitioner has never violated any provisions of law and acted within the ambit of the statute. When the Advocate on behalf of the Upa-Sarpanch appeared and filed an affidavit to implead herself as a party respondent in the Revision Petition filed by the Petitioner, the Petitioner's

(p.t.o.)

Advocate took objection and the Upa-sarpanch has no locus-standi in the Revision filed by the Petitioner and without serving any notice in advance she can't become a party to the proceedings. The petitioner's Advocate has pleaded that the impugned order passed by the District Collector (PW) may be set-aside and allow the Revision Petition.

6. Government have gone through the material papers filed by the petitioner. It is on record that the petitioner has incurred a total expenditure of Rs.17,74,867/- during the year 2007-08 including the expenditure of Rs.10,92,000/- for purchase of High mass lights. It is also on record that the petitioner has purchased these high mass lights at different intervals right from 15.11.2006. On 11.8.2007 he purchased 2 High Mass lights but obtained Gram Panchayat resolution on 8.8.2007. Like wise on 12.10.2007 he purchased 2 High Mass lights but obtained Gram Panchayat resolution on 24.1.2008 though there are standing instructions issued by the competent authority that before incurring such huge expenditure prior permission of higher authorities have to be obtained by the Gram Panchayat. It is rather surprising to see in the material papers filed by the Petitioner that the Hayathnagar Gram Panchayat has obtained prior permission from the District Collector (PW), Ranga Reddy in Proc.No.A4/436/2006, Dt.20.2.2006 for purchase of 2 Nos. High Mass lights in terms of rules issued in G.O.Ms.No.70, PR&RD (Rules) Department, dt.29.2.2000 as per the resolution of Gram Panchayat dt.24.12.2005. Likewise the Yenekapally Gram Panchayat of Ranga Reddy District has also obtained prior permission of the District Collector (PW). In his reply to the show cause notice the petitioner has pleaded that he has purchased the High-mass lights as per the rates indicated by the District Collector (PW) in the proceedings issued in respect of Hayathnagar Gram Panchayat and Yenekapally Gram Panchayat. When the Petitioner has adopted the price of each unit permitted by the District Collector, he ought to have also obtained prior permission of the District Collector (PW), as was done by the Gram Panchayats referred to above. The plea taken by the Petitioner that as there was no regular Panchayat Secretary, nobody is there in his Gram Panchayat to guide him to obtain prior permission has no force, in as much as he himself has admitted that he has adopted the prices permitted by the District Collector. This attitude of the Petitioner amply shows that he has no respect to follow the rules issued in G.O.Ms. No.70, PR & RD, dt.29.2.2000. Being an elected representative he must be an example to follow the rules and be a law abiding citizen. Coming to the grant of Building Permissions the petitioner has admitted that he has granted construction permissions to several buildings as per the provisions of Act and Rules. The Petitioner relied on the provisions of Sec.121 and rules made there under and also G.O. Ms.No.67, PR & RD, dt.26.2.2002.

7. After verifying the connected records, the limits of subject Gram Panchayat falls within the limits of HUDA. Therefore the orders issued in G.O.Ms.No.67, PR & RD, dt.26.2.2002 has no application to Bandlaguda Gram Panchayat. As per Rule 31 of the rules issued in G.O.Ms.No.506, PR & RD, dt.6.8.1994, prior technical approval from DTC/HUDA is necessary for all building permissions for heights more than 3 floors. Whereas the petitioner has granted several building permissions in violation of rules and regulations and thereby created a chaos in the village limits. It was brought to Government's notice that the petitioner has granted irregular and illegal building permissions for construction of G+3 floors, and more in the Gram Panchayat limits disregarding all the norms and regulations, which is nothing but misuse of powers and behaved in an irresponsible way.

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8. Government after careful examination, of the matter have not found any illegality, irregularity, impropriety in the orders passed by the District Collector (PW), Ranga Reddy District. The Revision Petition is therefore dismissed.

9. The District Collector (PW), Ranga Reddy District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To
The District Collector (PW), Ranga Reddy District,
The Commissioner,
Panchayat Raj & Rural Employment, A.P., Hyderabad.
The District Panchayat Officer, Ranga Reddy District.
Sri Maddela Yadaiah Goud,
Sarpanch (Removed), Bandlaguda Gram Panchayat,
Rajendranagar Mandal, Ranga Reddy District.
SF/SC

// FORWARDED BY ORDER //

SECTION OFFICER.